

# Labelling of Food Sold Prepacked for Direct Sale

Guidance

July 2021



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# 1. Overview of the Labelling Requirements for Food Sold Prepacked for Direct Sale

## Introduction

**This guidance is intended to help you, as a food business operator, check whether you will be affected by the changes to the labelling rules for food, including drink, sold prepacked for direct sale (PPDS) and, if you are affected, what you need to do to meet the new legal requirements.**

From 1 October 2021 the requirements for labelling food sold PPDS will change in Scotland. The new labelling will help inform and protect your consumers by providing ingredient and allergen information on the packaging.

If your business produces PPDS food, it will need to be labelled with:

- the name of the food
- a full ingredients list
- allergen information (emphasised within the list)

## What is PPDS food?

PPDS food is any single food item for presentation to final consumers and to mass caterers<sup>1</sup>, which consists of the food item and packaging which may enclose the food item completely or partially but in such a way that the contents of the food item cannot be altered and where the food item is put into packaging before being offered for sale to the customer by the same food business:

- i) on the same premises; or
- ii) on the same site<sup>2</sup>; or
- iii) on other premises if the food is offered for sale from a moveable and/or temporary premises (such as marquees, market stalls, mobile sales vehicles) and the food is offered for sale by the same food business who packed it.

**Please see the flow chart on page 4 to help you determine whether your business sells PPDS foods. For examples of foods that may fall under PPDS see page 5.**

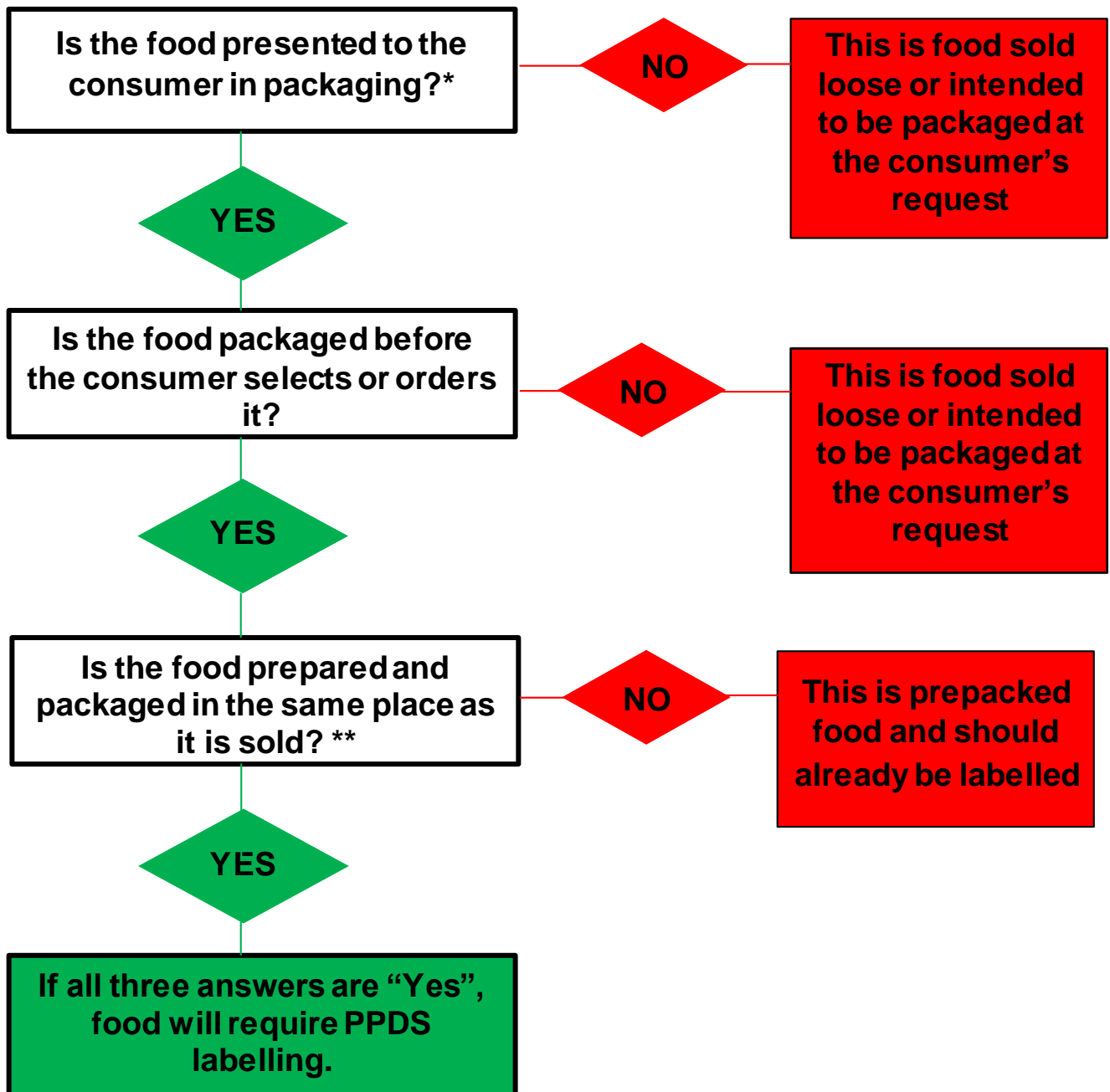
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<sup>1</sup> 'mass caterer' means any establishment (including a vehicle or a fixed or mobile stall), such as restaurants, canteens, schools, hospitals and catering enterprises in which, in the course of a business, food is prepared to be ready for consumption by the final consumer;

<sup>2</sup> In this instance 'site' refers to a building complex such as a shopping centre or airport terminal in which the same food business operates from more than one unit within the building complex.

## PPDS labelling flow chart

If your product meets all three of the below criteria it will require the new labelling



\*For food to be considered 'packaged' it must:

- be fully or partly enclosed by packaging; and
- cannot be altered without opening or changing the packaging in some way; and
- be ready for sale to the consumer.

\*\* Food packaged at the same place includes:

- food packaged by the same food business and sold at a temporary or mobile site, such as a food truck or market stall.
- food packaged and offered at different units by the same business in one building complex, such as an airport or shopping centre.

## PPDS food examples

PPDS foods may include:

- Sandwiches prepared and then placed into packaging by the food business, before the consumer selects them, and sold from the same premises.
- Foods prepared and packaged by the same operator and then taken to their market stall to sell.
- A baker who makes empire biscuits or strawberry tarts which are then packed on the same premises in advance of sale to customers.
- Foods prepared and packed by an operator in a central premises and then sold to consumers from mobile shops or stalls operated by the same business.
- A butcher who makes pies, burgers, sausages and ready meals onsite, which are then prepacked to be sold from the same premises.
- Mixed bags of confectionery (mix ups) that are made up, packaged and sold on the same premises, or sold from a mobile unit such as an ice cream van.
- Foods prepared and packed by a food business to be sold in its retail units located within the same building complex as the premises where the food was packed such as a train station, hospital, university or holiday park.
- In a retail environment such as a supermarket, the following examples would also be considered to be prepacked for direct sale food, provided they are packed on the premises from which they are being sold before they are offered for sale:
  - Fresh pizzas from the deli counter e.g. on a cardboard tray and wrapped in plastic;
  - Boxed salads;
  - Hot foods such as pre-wrapped rotisserie chicken; and
  - Foods that are pre-weighed and packed such as cheese or meats from a delicatessen counter or baked goods from an in-store bakery
- A café giving away packaged samples of a new range of cakes they have made on the same premises.

## 2. Presenting the Information on a Label

### What information is required on the label

When your business is labelling food sold PPDS you must include the **name of the food**, and the **ingredients list** with any of the **14 allergens required to be declared by law emphasised** within it, if they are ingredients of the food. These need to be in line with the legal requirements that apply to naming the food and listing ingredients.

You should ensure that you meet the existing requirement for a Quantitative Ingredient Declaration (QUID) for meat products<sup>3</sup> intended to be sold PPDS. As is currently the case, your business can choose to present QUID information for meat products in different ways, such as on a label attached to the food itself, or on a notice, ticket or label that is easily readable and in close proximity to the food.

### Presenting the information on a label

#### Name of the food

The name of a food must not be misleading. The name of the food shall be its legal name or in the absence of such a name, the name of the food shall be its customary name, or, if there is no customary name or the customary name is not used, a descriptive name of the food shall be provided. An explanation of each type of name and how they can be used can be found below.

#### Legal name

Some foods have a legally defined name, which can be a prescribed name or a reserved description.

Prescribed Names - these are names which under either retained EU or Scottish law must be used for certain foods. For example, under fish labelling requirements the prescribed name for the species *salmo salar* is salmon.

Reserved Descriptions - i.e. when they are used for certain foods, those foods must meet specific compositional criteria. For example, The Products Containing Meat etc.

Regulations 2014 set out the compositional requirements for meat products (a beef burger must contain not less than 62% beef, an economy beef burger must contain not less than 47% beef).

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<sup>3</sup> For more information on what a meat product is, see Schedule 2 of [The Food Information \(Scotland\) Regulations 2014](#)

## Customary name

Customary names are names that, in time, may come to be accepted by consumers in the UK, or in particular, areas of the UK, as the name of the food without it needing further explanation e.g. fish fingers, Bakewell tart or Yorkshire pudding.

Some names of foreign origin have also become customary names in the UK e.g. muesli or spaghetti.

## Descriptive name

If none of the above applies, you will need to decide whether further information to more fully describe the food is necessary. A descriptive name is a name which is precise enough to indicate the true nature of the product and to distinguish it from other foods with which it could be confused. Examples include;

- a smoked bacon and egg sandwich that contains tomato sauce and butter
- a ham and cheese croissant that contains pickled gherkins and wholegrain mustard
- macaroni pasta in a cheese sauce with a breadcrumb topping

Trademarks, brand names or any fancy names cannot be substituted for the name of a food but may be used in addition to it.

## List of ingredients

The list of ingredients must be headed or preceded by a suitable heading which consists of or includes the word 'ingredients'. All ingredients must be listed in descending order of weight as recorded at the time of their use in preparing the food.

A compound ingredient is an ingredient, which contains other ingredients, for example, a yogurt flavoured coating on a cereal bar. When listing the constituent ingredients of a compound ingredient, this can be done by listing each constituent ingredient as ingredients of the whole product, or by listing the constituent ingredients immediately after the compound ingredient e.g. Yogurt flavour coating (palm kernel oil, sugar, **milk**, whey (**milk**), dried yogurt (**milk**)).

Some products are exempt from the need to display an ingredient list. The full list of exempt products can be found in the summary labelling guidance [here](#). Examples of products which are exempt includes;

- Fresh fruit and vegetables, including potatoes, which have not been peeled, cut or similarly treated;
- Cheese, butter, fermented milk and cream, to which no ingredient has been added other than lactic products, food enzymes and micro-organism cultures essential to manufacturer, or in the case of cheese other than fresh cheese and processed cheese the salt needed for its manufacture.
- Foods consisting of a single ingredient, where:

- the name of the food is identical to the ingredient name;
- the name of the food enables the nature of the ingredient to be clearly identified, such as eggs.

## Allergens in the ingredient list

There are 14 substances or products causing food allergies or intolerances that are recognised in the UK (See Annex A). If there is a food product which contains or uses an ingredient or processing aid<sup>4</sup> listed in Annex II of [Regulation \(EU\) No 1169/2011 on the provision of food information to consumers \(Retained EU Legislation\) \(FIC\)](#) or derived from one of the 14 substances or products listed in Annex II, it will need to be declared if still present in the finished product even if in an altered form.

Allergenic ingredients should be emphasised in the ingredients lists by using a font, style or colour, which ensures they are clearly distinguished from the other ingredients present. You can use an allergy advice statement on the product label to explain how allergens are emphasised within the ingredients list. To emphasise allergens in your labelling you could use different fonts, styles or colours, for example: 'Allergy advice: for allergens, see ingredients in **bold**' or 'Allergy advice: for allergens, including cereals containing gluten, see ingredients highlighted in blue.

Where a product does not need to contain an ingredients list, and the presence of allergens is not clear from the product's name alone, then the presence of Annex II ingredients in the food must be indicated, on the label, by the word 'contains...' followed by the name of substance or product (e.g. Contains: barley, fish).

## Best practice considerations

There is no specific requirement to apply a durability indication or instructions for use to food sold PPDS unless one is required because of the type of packaging. For example, it is a legal requirement for vacuum packed for foods to be labelled with a durability indication and storage conditions, so you may wish to take advice from your Local Authority Environmental Health Team if you are unsure about what information is required on your products to keep consumers safe.

## Presentation of mandatory particulars

The name of the food, ingredients information and allergen information may be given either on a label attached to or printed directly on the packaging. It must be easily visible, clearly legible and indelible, where appropriate. It must not be in any way hidden,

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<sup>4</sup> 'processing aid' shall mean any substance which: (i) is not consumed as a food by itself; (ii) is intentionally used in the processing of raw materials, foods or their ingredients, to fulfil a certain technological purpose during treatment or processing; and (iii) may result in the unintentional but technically unavoidable presence in the final product of residues of the substance or its derivatives provided they do not present any health risk and do not have any technological effect on the final product;



obscured, detracted from or interrupted by any other written or pictorial matter. See page 6 for information on presenting the Quantitative Ingredient Declaration for meat products.

The mandatory particulars must be printed on the package using a font size where the x-height is dependent on the size of the largest surface of the pack according to the following table:

Surface area of the pack	Minimum required x-height
greater than or equal to 80cm <sup>2</sup>	1.2mm
between 25cm <sup>2</sup> and 80cm <sup>2</sup>	0.9mm
less than 25cm <sup>2</sup>	0.9mm
less than 10cm <sup>2</sup>	0.9mm for name and allergens – ingredients list to be available by other means or on request

The x-height is the distance from the upper to the lower edge of a lower case letter 'x'.

### 3. Labelling Examples

#### CHEESE AND PICKLE SANDWICH

Mature Cheddar cheese, pickle and butter in sliced malted bread

INGREDIENTS: Malted bread (**wheat** flour (**wheat** flour, calcium carbonate, iron, niacin, thiamin), water, malted **wheat** flakes, **wheat** bran, **wheat** protein, yeast, malted **barley** flour, salt, emulsifiers (mono- and diglycerides of fatty acids, mono- and diacetyl tartaric acid esters of mono- and diglycerides of fatty acids), spirit vinegar, malted **wheat** flour, rapeseed oil, flour treatment agent (ascorbic acid), palm fat, **wheat** flour, palm oil, **wheat** starch), mature Cheddar cheese (**milk**), pickle (carrots, sugar, swede, onion, **barley** malt vinegar, water, spirit vinegar, apple pulp, dates, salt, modified maize starch, rice flour, colour (**sulphite** ammonia caramel), onion powder, concentrated lemon juice, spices, spice and herb extracts), butter (**milk**).

Allergy advice: for allergens, see ingredients in **bold**

### Sausage Roll

#### Ingredients:

[Wheat](#) Flour ([Wheat](#) Flour, Calcium Carbonate, Iron, Niacin, Thiamin), British Pork, Pork Fat, Vegetable Oil (Palm, Rapeseed), Water, [Egg](#), Salt, Potato Starch, [Milk](#), Spices, Herbs, [Mustard](#)

Allergy advice: for allergens, see ingredients in [Blue](#)

### Chocolate Chip Cookies

Ingredients; Fortified Wheat Flour (Wheat Flour, Calcium Carbonate, Iron, Niacin (B3), Thiamin (B1)), Sugar, Milk Chocolate Chips [Sugar, Whole Milk Powder, Cocoa Butter, Cocoa Mass, Emulsifier (Soya Lecithins), Flavouring], Rapeseed Oil, Palm Oil, Invert Sugar Syrup, Fructose, Unsalted Butter (Milk), Whey Powder (Milk), Coconut Oil, Raising Agents (Sodium Carbonates, Diphosphates), Water, Flavouring, Emulsifier (Mono-and Diglycerides of Fatty Acids)

Allergy advice: for allergens, see ingredients underlined

### **Beef Burger**

Beef burger patty in a seeded brioche bun with grilled onions and vegetable spread.

INGREDIENTS: *Beef Burger* [Beef, Water, Rice Flour, Salt, Onion Powder, Dextrose, Sugar, Yeast Extract, Black Pepper, Sunflower Oil, Paprika, Vegetable Fibre, Preservative (**Sodium Metabisulphite**), White Pepper, Bay, Black Pepper Extract, Flavouring], *Seeded Brioche Buns* [**Wheat** Flour, **Egg**, Water, Sugar, Invert Sugar Syrup, Rapeseed Oil, **Sesame** Seeds, **Wheat** Gluten, Concentrated Butter (**Milk**), Dried Skimmed **Milk**, Yeast, Salt, Flavouring, Emulsifier (Mono- and Diglycerides of Fatty Acids), **Milk** Proteins, Malted **Rye** Flour, Deactivated Yeast, Colour (Beta Carotene)], *Spread* [Vegetable Oils in varying proportions (Sustainable Palm, Rapeseed), **Buttermilk**, Water, Salt, Natural Flavouring, Colour (Carotenes)], *Onions*

Allergy advice: for allergens, including milk, see ingredients highlighted in **bold**

## 4. How to build the information

### Key steps to get ready for labelling your products

The following steps can help you build the information you need.

You should review the recipes for the products you intend to sell PPDS. Take a note of each ingredient in the recipe and the quantities that are present, this will help when you list the ingredients in order of descending weight on the label. This review will also flag up any allergens that are present in the product and will allow you to emphasise them in the ingredients list. To help you with this process you may wish to use the free FSS **MenuCal** tool as part of your preparations. MenuCal supports business with recording their recipes, identifying allergens and managing ingredients.

If you are using compound ingredients in your products e.g. spreads used in sandwiches it is also crucial to check what ingredients are in that product as these will need to be listed in the ingredients, along with any allergens contained within that product. It is good practice to review these ingredients periodically as the manufacturer or supplier may change the ingredients in the product which will, in turn, affect the labelling of your product. If you have products delivered to your premises you should be aware of any possible product substitutions that may occur, as these may contain different ingredients and allergens to your usual products. Ask your supplier to notify you immediately if their product ingredients change. It is also important to review this information if you change supplier for any reason, even if this is only temporary. We would also advise taking note of any precautionary allergen labelling on the products you receive from your supplier.

The key to providing accurate and consistent information on your labels is by having standardised recipes and using the same brand for ingredients where possible. This ensures consistency of product and product information. **However if you do choose to change or substitute certain ingredients in your product it is vital that you update the product label accordingly.**

## 5. Precautionary statement

### What statements can you make and when

The use of precautionary allergen labelling to communicate the risk of the unintentional presence of an allergen (e.g. milk, egg, peanuts, almonds) in a food product due to the allergen entering the product accidentally, or through cross contamination, can be done on a voluntary basis. Such statements include 'produced in a kitchen which uses...' or 'may contain' or 'not suitable for...'. These statements should only be used after a meaningful risk assessment has been performed by your business and there is considered to be a significant and real risk to the food allergic or food intolerant consumer and cross contamination cannot be avoided or discounted. If you choose to use voluntary

labelling it must not mislead the consumer, must not be ambiguous or confusing, and where appropriate be based upon scientific data.

These statements should not be used as a substitute for good hygiene and safety practices. The use of precautionary allergen labelling when there is not a real risk could be considered to be misleading food information. Undertaking a risk assessment should help you identify risks that you can remove, perhaps by identifying and preventing opportunities for cross contamination to occur.

## 6. Annex A – The 14 allergens listed in the FIC Regulation

Annex II of the FIC Regulation lists the following substances and products known to cause allergies and intolerances:

- Cereals containing gluten namely wheat (such as spelt and Khorasan wheat), rye, barley, oats and their hybridised strains and products thereof, except:
  - a) wheat based glucose syrups including dextrose
  - b) wheat based maltodextrins
  - c) glucose syrups based on barley
  - d) cereals used for making alcoholic distillates including ethyl alcohol of agricultural origin
- Crustaceans and products thereof (for example prawns, lobster, crabs and crayfish)
- Egg and products thereof
- Fish and products thereof, except
  - a) fish gelatine used as carrier for vitamin or carotenoid preparations
  - b) fish gelatine or Isinglass used as a fining agent in beer and wine
- Peanuts and products thereof
- Soybeans and products thereof, except
  - a) fully refined soybean oil and fat
  - b) natural mixed tocopherols (E306), natural D-alpha tocopherols, natural D-alpha tocopherol acetate and natural D-alpha tocopherol succinate from soybean sources
  - c) vegetable oils derived phytosterols and phytosterol esters from soybean sources
  - d) plant stanol ester produced from vegetable oil sterols from soybean sources
- Milk and products thereof (including lactose), except
  - a) whey used for making alcoholic distillates including ethyl alcohol of agricultural origin
  - b) lactitol
- Nuts (namely almond, hazelnut, walnut, cashew, pecan nut, Brazil nut, pistachio nut and Macadamia nut (Queensland nut)) and products thereof except for nuts used for making alcoholic distillates (e.g. spirits such as vodka or whisky) including ethyl alcohol of agricultural origin
- Celery and products thereof
- Mustard and products thereof

- Sesame seeds and products thereof
- Sulphur dioxide and/ or sulphites at concentrations of more than 10 mg/kg or 10 mg/ (litre) in terms of the total SO<sub>2</sub> which are to be calculated for products as proposed ready for consumption or as reconstituted according to the instructions of the manufacturers.
- Lupin and products thereof
- Molluscs and products thereof (for example mussels, clams, oysters, scallops, snails and squid)

## 7. Helpful links

[The Food Information \(Scotland\) Amendment Regulations 2021](#)

[Regulation \(EU\) No 1169/2011 on the provision of food information to consumers \(Retained EU Legislation\) \(FIC\)](#)

[The Food Information \(Scotland\) Regulations 2014](#)

[Food Information Regulations 2014 Guidance](#)

[MenuCal](#)

[WRAP Food date labelling and storage guidance](#)

[Guidance on The safety and shelf-life of vacuum and modified atmosphere packed chilled foods with respect to non-proteolytic Clostridium botulinum](#)

[Food and Drink Europe paper on precautionary statements](#)

## 8. Version control

Version	Date	Last review carried out	Next review due	Comments
1.0	July 2021	N/A	July 2022	
2.0				

## 9. Abbreviations

<b>FBO</b>	Food Business Operator
<b>FSS</b>	Food Standards Scotland
<b>LA</b>	Local Authority
<b>RA</b>	Risk Assessment
<b>PPDS</b>	Prepacked for Direct Sale
<b>FIC</b>	Food Information to Consumers Regulation



**For safe food and  
healthy eating**

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